REMARKS

Claims 2-11 are pending in this application.

In the Office Action, Claims 2-7, 9 and 11, were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,035,183 to Todd et al. in view of Pub. No. US 2004/0053592 A1 of Reial; and Claims 8 and 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over Todd et al. in view of Reial and further in view of U.S. Patent Publication No. 2005/0033126 by Charash.

Claim 2 has been amended. No new subject matter is added.

Claim 2, which is the only pending independent claim, was rejected over a combination of Todd with Reial.

At page 5 of the Office Action dated January 29, 2007, the Examiner states "Todd et al. fail to disclose summing N number of RSSI_AVR values obtained by the execution of step e and determining the sum of the RSSI AVR values as an analysis result of the RSSI values for the predetermined time T." A non-prior art reference (Yang) was cited to cure this defect. Recognizing that Yang is not prior art, this most recent Office Action now alleges that a previously cited reference of "Reial clearly discloses summing the average interference estimates," citing ¶¶ 0013, 0027, 0028 and 0052 of Reial. (Office Action, page 2.)

This most recent Office Action further alleges that "a sum of average rssi *can* also be carried out in order to produce more accurate results and to account for variation in collected data. The key feature in the prior art of Reial is that a sum of averages *can* be carried out." (Office Action, page 2.) Applicant(s) disagree with the alleged "key feature" of Reial. Moreover, the rejection improperly relies on hindsight analysis in regard to what "*can* also be carried out."

Like the cited disclosure of Todd et al., the cited ¶¶ 0013, 0027, 0028 and 0052 of Reial fail to disclose or suggest determining a sum of RSSI average values as an analysis result, as recited in Claim 2. Rather, Reial determines "a figure of merit representing a fractional received signal power for the channel based on the summed average interference estimates." (Reial, ¶0013). The figure of merit taught by Reial does not cure the failure of Todd et al. to disclose a summing said N number of RSSI_AVR values obtained by the execution of step e and

determining the sum of the RSSI_AVR values as an analysis result of the RSSI values for the predetermined time T, as recited in Claim 2. Charash does not cure this defect and the rejection must be withdrawn.

For at least the above reason, the rejection of Claim 2 must be withdrawn. Claims 3-11, which depend from Claim 2, are in condition for allowance at least in view of their dependency from Claim 2.

In addition, in Claims 9 and 11 the RSSI_AVR values and C/I_AVR values are summed, respectively, using collected n number of RSSI values and C/I ratios, respectively, wherein n is greater than N. In regard to these claims, ¶¶ 0013 and 0027 of Reial are cited at page 7 of the Office Action. However, neither the cited paragraphs nor elsewhere does of Reial disclose or suggest summing average value of interference estimation using n number of interference estimation where n can be greater than N, as in Claims 9 and 11 of the present invention. For this additional reason, the rejection must be withdrawn.

In view of the above, all of the pending claims, i.e. Claims 2-11, are believed to be in condition for allowance. If a telephone conference or personal interview would facilitate resolution of any remaining matters, it is requested that the Examiner contact applicant(s) attorney at the number provided below.

Respectfully submitted,

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